UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,671	06/27/2001	Joseph F. Cihula	PW 028 018 P-11673	3953

7590 04/05/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2134	

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DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 June 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communication: filed on 27 June 2001.

2.   Claims 1-29 are currently pending in this application. Claims 1, 11, and 20 are

independent claims.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

4.   **Claims 1-27,** are rejected under 35 U.S.C. 102(e) as being anticipated by Jardin U.S.

Patent No. 6,681,327 (hereinafter '327).

As to independent claim 1, A method of increasing realized secure sockets layer

encryption and decryption connections comprising: monitoring at least one parameter of a server

that is known to affect an ability of a device to process secure sockets layer connections" is

taught in '327 col. 3, line 50 through col. 4, line 20;

"calculating a secure sockets layer capacity value for the server" is shown in '327 col. 6,

lines 44-58 (i.e. "calculating ... capacity ... for server" same as "adjusted to accommodate

various server configurations");

"calculating a load value for a secure sockets layer device" is disclosed in '327 col. 6,

lines 12-31 ("calculating" same as "broker may adjust (i.e. increase or decrease)" / "load value"

same as "traffic" / "device" same as "buffer");

"calculating a secure sockets layer connection threshold for the server; setting the secure

sockets layer connection threshold for the server" is taught in '327 col. 6, lines 51-57;

"applying the secure sockets layer connection threshold to the secure sockets layer device

to be used in determining a number of connections for processing by the secure sockets layer

device for the server; and recalculating the secure sockets layer connection threshold value for

the secure sockets layer device" is shown in '327 col. 6, lines 21-31.

As to dependent claim 2, "wherein the server parameter is CPU utilization" is disclosed

in '327 col. 8, lines 42-52.

As to dependent claim 3, "wherein the server parameter is available memory" is taught in

'327 col. 6, lines 12-31.

As to dependent claim 4, "wherein the secure sockets layer capacity value of the server

represents a capability of the server to process secure sockets layer connections" is shown in

'327 col. 8, lines 42-67.

As to dependent claim 5, "wherein at least one of the secure sockets layer capacity value

and the load value is a direct value" is disclosed in '327 col. 6, lines 15-32.

As to dependent claim 6, "wherein at least one of the secure sockets layer capacity value

and the load value is a computation of values" is taught in '327 col. 6, lines 15-32.

As to dependent claim 7, "wherein the secure sockets layer capacity value=max [(# processors x processor speed/100) x (0.7-CPU utilization), 0]" is shown in '327 col. 8, line 42 through col. 9, line 10.

As to dependent claim 8, "wherein the secure sockets layer connection threshold for the secure sockets layer device is a function of both device load and server capacity" is disclosed in '327 col. 6, lines 15-32.

As to dependent claim 9, "wherein device load and server capacity are variable values" is taught in '327 col. 6, lines 15-32.

As to dependent claim 10, wherein the connection threshold=10 x server capacity x device CPU utilization, represents the number of secure sockets layer connections that the secure sockets layer device allows a server to process" is shown in '327 col. 8, line 42 through col. 9, line 10.

As to independent claim 11, this claim is directed to a computer readable medium of the method of claim 1; therefore it is rejected along similar rationale.

As dependent claims 12- 19, these claims contain substantially similar subject matter as claims 2-10; therefore they are rejected along similar rationale.

As to independent claim 20, this claim is directed to the system of the method of claim 1; therefore it is rejected along similar rationale.

As dependent claims 21-29, these claims contain substantially similar subject matter as claims 2-10; therefore they are rejected along similar rationale.

Conclusion

5   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ellen C Tran whose telephone number is

(571) 272-3842. The examiner can normally be reached from 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran
Patent Examiner
Technology Center 2134
18 March 2005

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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